

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**CRIMINAL ACTION NO. 3:12-CR-57-3  
(JUDGE GROH)**

**CHARLES PAGE HAINES, III,**

Defendant.

**ORDER GRANTING APPLICATION FOR SUBPOENA**

On this day, the above-styled matter came before the Court for consideration of Defendant's Application for Subpoena pursuant to Federal Rule of Criminal Procedure 17(b) [Doc. 109]. In support of his Application, Defendant argues that he has filed a Financial Affidavit and that he is unable to pay for witness fees and mileage. Defendant has indicated five individuals that are necessary for his defense. Therefore, Defendant requests that the Court order that the process costs and witness fees be paid in the same manner as those paid for witnesses that the Government subpoenas.

Rule 17(b) of the Federal Rules of Criminal Procedures requires a court to issue a subpoena for a named witness if the defendant "shows an inability to pay the witness's fees and the necessity of the witness's presence for an adequate defense." First, the Court finds that Defendant's Financial Affidavit shows an inability to pay the witness's fees. Second, Defendant asserts that the following five witnesses are necessary for his defense: (1) Adam Grady; (2) Penny Bradford; (3) Robert Suter; (4) Scott Burcher; and (5) Scotty Allen Burcher. Therefore, the Court also finds that the presence of the five individuals are

necessary for Defendant to have an adequate defense.

Accordingly, pursuant to Federal Rule of Criminal Procedure 17(b), the Court **GRANTS** Defendant's Application for Subpoena and **ORDERS** subpoenas to be issued as to the five individuals listed above. The process costs and witness fees will be paid in the same manner as those paid for witnesses the Government subpoenas.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

**DATED:** January 22, 2013

  
GINA M. GROH  
UNITED STATES DISTRICT JUDGE